MSHCP 101

Clark County Desert Conservation Program
and
Multiple Species Habitat Conservation Plan
101

What is the Clark County Desert Conservation Program & the Multiple Species Habitat Conservation Plan?

Clark County, as Plan Administrator and on behalf of our fellow permittees the cities of Las Vegas, Henderson, North Las Vegas, Boulder City, Mesquite and the Nevada Department of Transportation, is responsible for compliance with the federal Endangered Species Act, compliance with a Section 10(a)(1)(B) incidental take permit, and for implementing the Clark County Multiple Species Habitat Conservation Plan.

An incidental take permit exempts a permittee from the take prohibition of Section 9 of the Endangered Species Act and is issued by the U.S. Fish and Wildlife Service pursuant to Section 10(a)(1)(B) of the Act. The permit authorizes take of protected species that may be incidental to, but not the purpose of, otherwise lawful activities.

A habitat conservation plan, commonly referred to as an HCP, is a planning document that is a mandatory component of an incidental take permit application. An HCP ensures that the authorized take will be adequately minimized and mitigated.

What area is covered by the plan?

The MSHCP's Section 10(a)(1)(B) incidental take permit covers all non-Federal (private, municipal, State) lands within Clark County and NDOT activities in areas within Clark, Nye, Lincoln and Esmeralda Counties south of the 38th parallel and below 5000 feet in elevation.

What species are covered by the plan? What habitat types?

78 species are covered by the MSHCP's Section 10(a)(1)(B) incidental take permit (14 reptiles, 1 amphibian, 8 birds, 4 mammals, 8 insects, 2 mollusks and 41 plants.) Of these, two are listed under the Federal Endangered Species Act, the threatened desert tortoise and the endangered Southwestern Willow Flycatcher. A complete list of covered species appears at the end of this document.

Conservation actions for the MSHCP focus on conservation of the habitat of covered species. Habitats for covered species are described and summarized within 11 ecosystem categories; alpine, bristlecone pine, mixed conifer, pinyon-

juniper, sagebrush, blackbrush, salt desert scrub, Mojave desert scrub, mesquite/catclaw, and desert aquatic.

Does the plan rely on adjoining land uses?

The MSHCP uses a reserve system consisting of public land (primarily Federal) areas defined by their kinds and levels of management as it affects Covered Species. These conservation management areas are defined in section 2.4.2.7 (page 2.74) of the MSHCP as Intensively Managed Areas (IMAs), Less Intensively Managed Areas (LIMAs), Multiple Use Managed Areas (MUMAs) and Unmanaged Areas (UMAs). The IMAs and LIMAs represent the "reserve system" in Clark County, with MUMAs providing conservation value as corridors, connections and buffers for the IMAs and LIMAs where management preserves the quality of habitat sufficient to allow for unimpeded use and migration of the resident species in the IMAs and LIMAs.

What are the goals & objectives of the plan?

The general measurable biological goals for each covered species are listed in table 2.5, page 2.153 of the MSHCP. In summary, the goal for each covered species is no net unmitigated loss or fragmentation of habitat, primarily within IMA and LIMA, or MUMA where a substantial proportion of the species habitat occurs with in MUMA. In addition, the MSHCP has a general goal of stable or increasing populations of covered species.

Measurable biological objectives broadly include (a) maintenance of the long-term net habitat value of the ecosystems in Clark County with a particular emphasis on Covered Species and (b) recovery of listed species and conservation of unlisted Covered Species. Appendixes A and B of the Plan contain the current evaluation of habitat values within each ecosystem and for each species.

What will the plan do for listed species?

The MSHCP provides balance between allowing incidental take of listed, covered species and long-term conservation and recovery of those species and their habitat. The conservation and recovery of covered species is accomplished through a suite of 604 potential conservation actions that minimize, mitigate or monitor the impacts of take. The MSHCP has also been designed to maximize flexibility and available options in developing mitigation and conservation programs (MSHCP section 1.1, page 1.3). By addressing the habitat need of covered species, the MSHCP also seeks to effectively mitigate future potential impacts on and assist in the recovery of a broad range of other species residing in all of the habitats located within the County (MSHCP section 1.2.1, page 1.5).

What will the plan do for unlisted species?

Section 1.2.1 of the MSHCP states that the MSHCP "addresses the ESA Section 10 criteria for all Covered Species " and "treats all such Covered Species as though those species were listed for the purposes of this plan, thereby providing for future incidental take of those species." (page 1.5)

What provision is made for funding the plan?

Section 2.1.9 of the MSHCP describes the $550 per acre disturbance fee to be paid for each non-municipal acre (up to 130,000) disturbed under the MSHCP Section 10(a)(1)(B) permit. These fees are collected by the permittees (County, NDOT, Cities of Boulder City, Henderson, Las Vegas, Mesquite, and North Las Vegas) and collectively administered by the County in an endowment fund. These funds would be used to implement the MSHCP. In addition, external funding sources may be used to augment the section 10 funds. External sources currently include Section 7 funds and Southern Nevada Public Lands Management Act funds designated for the development of multiple species habitat conservation plan in Clark County.

Does the plan comply with or require changes to other applicable laws?

The MSHCP complies with applicable laws. When initiated, the MSHCP required amendments to two Federal agency land use plans, the Lake Mead National Recreation Area General Management Plan and the Spring Mountains National Recreation Area General Management Plan.

How long will the plan last?

The term of the permit is for 30 years effective February 2001, for a maximum of 145,000 acres disturbed.

How will the U.S. Fish and Wildlife Service know if the plan is being implemented?

Through regular reports such as the Biennial Progress Report and a biennial Adaptive Management Report, due on the 15th of March in every even-numbered year

How will they know if it works?

The MSHCP's Adaptive Management Program is to evaluate the effectiveness of implementation actions and make recommendations for any changes in implementation in each Adaptive Management Report.

What if the plan doesn't work?

If the MSHCP Section 10(a)(1)(B) permit is revoked, the Desert Conservation Plan and it's Section 10(a)(1)(B) permit remains in effect for take of desert tortoise in Clark County. Additional take of desert tortoise beyond that covered by the Desert Conservation Plan, or for other listed species, would be applied for separately by each land owner.

How the ESA Works: A Glossary

Take: As defined in the ESA, the term means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect or attempt to engage in such conduct. Harm may include significant habitat modification that actually injures a species. There are no federal prohibitions under the ESA for the taking listed plants on nonfederal lands, unless taking of those plants is in violation of state law or would accompany a project that requires federal authorization, permits or funding.

Endangered Species: Any species in danger of extinction throughout all or a significant portion of its range and listed pursuant to the provisions of the Endangered Species Act.

Threatened Species: Any species that is likely to become endangered within the foreseeable future throughout all or a significant portion of its range.

Jeopardy: As defined by ESA regulations, for a species to be placed in jeopardy is to reduce appreciably the likelihood of both survival and recovery of the species.

Conservation: The use of all methods and procedures that are necessary to bring any threatened or endangered species to the point at which the measures provided by the ESA are no longer necessary. This point is often referred to as "recovery" of a species, and may result in removal of the species from the ESA list ("delisting").

Section 7: Section 7 of the ESA sets forth certain requirements for all federal agencies whose activities may impact endangered or threatened species or their critical habitats. After mandatory consultation between the Secretary of the Interior and the action agency, the secretary must issue a written biological opinion with a decision as to whether an action will likely jeopardize the continued existence of the listed species.

Section 9: This ESA section delineates prohibited acts, including the "take" of any listed species without specific authorization of FWS or NMFS for species under the jurisdiction of each agency. Also prohibited is the selling, importing, exporting or removal of listed species.

Incidental Take Permit: A permit that exempts a permittee from the take prohibition of Section 9 of the ESA which is issued by the FWS or NMFS pursuant to section 10(a)(1)(B) of the ESA. They authorize a take of protected species that may be incidental to, but not the purpose of, otherwise lawful activities.

Habitat Conservation Plan: Commonly referred to as an HCP, it is a planning document that is a mandatory component of an Incidental Take Permit application, under section 10(a)(2)(A) or the ESA. An HCP must accompany an application for an Incidental Take Permit, and must ensure that the effects of the authorized incidental take will be adequately minimized and mitigated to the maximum extent practicable.

Habitat-Based HCP: This approach may address all species within habitat-types within the plan area, or habitat-types in conjunction with a specific list of species that will be covered by the permit. Species covered by the HCP may include proposed and candidate species. This requires the Services to analyze the effects of the proposed HCP on those species not listed to be reviewed under ESA Sections 7 and 10 as if they were listed. FWS and the applicant generally use indicator species to set management parameters for the covered habitat in the HCP. A further test must be completed to ensure that the needs of all endemic and sensitive species associated with the covered habitat types are adequately addressed in the HCPs.

Clark County Desert Conservation Program
General Information

Program's Guiding Documents:

Refer to the compact disc provided in each binder:

- U.S. Fish and Wildlife Service Biological Opinion
- Clark County Multiple Species Habitat Conservation Plan and Environmental Impact Statement
- Incidental Take Permit
- Implementing Agreement
- Adaptive Management Memorandum of Agreement

Websites:

For information on current Clark County Desert Conservation Program Projects:
http://www.clarkcountynv.gov/Depts/dcp/Pages/CurrentProjects.aspx

For general information on the Clark County Desert Conservation Program:
http://www.clarkcountynv.gov/depts/dcp/pages/default.aspx

For information on Mojave Max:
http://www.mojavemax.com/